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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,318	03/28/2001	James K. Cushing	P04481US1	4370

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EXAMINER

COLBERT, ELLA

ART UNIT	PAPER NUMBER
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3693

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/819,318	Applicant(s) CUSHING ET AL.	
	Examiner Ella Colbert	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) 29,31-51,59-63 and 65 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28, 30, 52-58, and 64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-65 are pending. Group I, Claims 1-28, 30, 52-58, and 64 were elected and claims 29, 31-51, and 59-65 were withdrawn without traverse in response to the Election/Restriction requirement and the request for an extension of time filed 05/09/06.

Claim Objections

2. Claims 1, 24-26, and 52-58 are objected to because of the following informalities: the preamble of claim 1 recites "A new method ..., the method comprising:". The preamble would be better recited as "A method ..., the method comprising the steps of:". Claim 1, line 6 recites "business needs with retirement plan design". This line would be better recited as "business needs with a retirement plan design".

Claim 24 recites "The method of claim 20 ... adoption of plan document". This line would be better recited as "The method of claim 20 ... adoption of a plan document". Claim 25 recites "The method of claim 24 ... the adoption of plan document". This line would be better recited as "The method of claim 24 ... the adoption of the plan document". Claim 26 has a similar problem.

Claim 52 in the preamble recites "A first ever Web site system ...". The preamble would be better recited as "A Web site system ..." or "A network system ...". Claims 53-58 should begin with the same recitation as the preamble if the preamble is changed. For example, "The network system of claim".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-3, 20, 23, 26, 30, 55, and 58 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 in the preamble recites "A method" and in the body of the claim has system components. For example, "at least one computer communicating with a computer network" and "a business logic component". Claims 2, 3, and 30 recite "computer network" and "wide area network". It is unclear whether claims 1-3 and 30 are method claims or system claims. Method claims contain steps. For example, "merging a plan sponsor's business needs with a retirement plan design on an on-line computer".

Method claims 23, 26, 55, and 58 recite "adapted to". Claim 23 would be better recited as "The method of claim 22 wherein the service agreement is to be adopted and electronically submitted by the plan sponsor". Claims 26, 55, and 58 can be written similar.

Claims 2-27, 30, 53-58 and 64 are also rejected because they depend from a rejected base claim.

Drawings

5. The drawings are objected to under 37 CFR 1.83(b) because they are incomplete. 37 CFR 1.83(b) reads as follows:

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When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

Drawing figures 6 and 7 are missing and elements "52, 54, and 56" are missing in Figure 7A.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The Specification is objected to because on page 6, lines 3 and 5 list "FIG 6" and "FIG. 7". This should read "FIG.'s 6A-7B" and "FIG.'s 7A and 7B".

The drawing figure 1 labels the following elements "20 WEB PAGES SOFTWARE"; "22 DB"; and "26 BACK- OFFICE SYSTEMS" and the Specification references elements as "20 storage medium"; "22 storage medium" and "26 back-end office systems". Figure 2 the drawing figure labels element "32 COLLECT ELEIGIBILITY INFORMATION" and the specification references element "32 prospect enters information". Figure 3, labels elements "62 DISPLAY BUSINESS CONSEQUENCES OF MODIFIED RULES" and "70 GATHER CONTACT INFORMATION". The Specification references elements "62 display business consequences of the change" and "70 building plan contract". Figure 5 labels element "88 COLLECT BUSINESS DRIVER INFORMATION FOR INVESTMENTS". The Specification references "88 collected business driver selected information". Figure 7A labels "EMPLOYEE ELEIGIBILITY" and the Specification references "participate eligibility". Figure 7B need to be changed to be in agreement with figure 7A. There is not any Figure 7. Elements "52, 54, and 56" need to be in drawing figures 7A and 7B. Page 13, lines 1 and 6 have a similar problem. The lable of row 1 and row 6 are missing in the drawings.

Page 8, line 20 recites "to FIG. 2, the process begins at steps 28, 30 ...". This line should read "to FIG. 2, the process begins at steps 28 and 30 ...". Page 10 line 17 and page 15, line 7 have a similar problem.

Page 10 lines 1 and 11 recite "FIG. 6". This line should begin with "FIG.'s 6A – 6C" and line 2 after "step 34" should read "(referring to Fig. 2" and line 16 should have "(referring to Fig. 2)" inserted after "above," and before "a determination is made at".

Page 12, line 20 begins with "FIG. 7". This line should begin with "FIG.'s 7A and 7B".

Page 17, line 19 should have inserted after "Web browser 18" "(see Fig. 1)" and before "displaying representative".

Pages 8 and 17 contain acronyms which should be written as follows: "Local Area Network (LAN)" and "Wide Area Network (WAN)" on page 8 and on page 17 "Hypertext Mark-Up Language (HTML)".

Correction is required. See MPEP § 608.01(b).

The application is not in condition for allowance because of the following:
Drawing figures are either missing or improperly labeled and drawing figure elements are not in agreement with the Specification. The application will be examined on the merits when these issues are resolved.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Tuesday-Thursday, 6:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Trammell James can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 11, 2006


ELLA COLBERT
PRIMARY EXAMINER